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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,121	01/16/2001	Robyn R. Levine	END920000173US1	2906
7590	02/06/2006		EXAMINER	
John R. Pivnichny IBM Corporation, N50/040-4 1701 North Street Endicott, NY 13760			RETTA, YEHDEGA	
			ART UNIT	PAPER NUMBER
			3622	
DATE MAILED: 02/06/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 09/761,121	<b>Applicant(s)</b> LEVINE, ROBYN R.	
	<b>Examiner</b> Yehdega Retta	<b>Art Unit</b> 3622	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 16 January 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-9, 12-18 and 20-23.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
 13. ☐ Other: \_\_\_\_\_.

  
**YEHDEGA RETTA**  
**PRIMARY EXAMINER**

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues that the three elements recited in claim 1 for creating a vision of a supplier's core competencies are specifically (1) in the moment of contact constraints of the user (2) a profiled past of the user including purchases data which is a grouped or keyed to presenting a lifestyle or lifestage view of the user and (3) current actions.

Applicant's invention as describe in the specification is a method of personalizing content delivery to a user comprising of the steps of determining in the moment of point of contact constraints of the user, retrieving a profiled past of the user, retrieving current actions and delivering content to the user in response to the constraints of the point of contact, the profiled past and the current actions (see page 5 and 6). According to Applicant's disclosure (page 9), the term the moment of point of contact, shall be taken to mean at the time and place the user makes access. Both time and location may be of sufficient precision for the needs of the content to be provided. The time and/or location of a mobile user might need to be determined on a more frequent basis while the same information for a home user at a desktop computer might need to be determined only once e.g. at the start of the access session. Roberts teaches determining point of contact constraints of user, at the start of access session i.e. when customer accesses the company's website (see col. 5 lines 1-24); retrieving a profile past and current action of user, which is grouped to presenting a lifestyle or lifestage view of user (see col. 5 lines 4-25, col. 6 line 60 to col. 7 line 16) and delivering content (opportunity) to user, delivered to the user based on the point of contact, profiled past and current action (col. 7 lines 1-15, and lines 38-67); consistent with the vision by merging together and optimizing the vision with supplier's channel awareness. According to applicant specification (page 14) the supplier's channel awareness is voice-to-voice, V2V, or face-to-face, F2F, or fingertip devices. Robert teaches channel awareness, such as computer, set-top box or television with Internet access or Internet Protocol (IP) call. Robert teaches a comparison between the customer profile and the company database is performed to create a listing of product or services not currently owned or used by the customer and the comparison generates a product list that includes products within the company's database that are not currently owned by the customer and of potential interest to the customer. Also the comparison identifies dynamic content messages in the marketing database of potential interest to the customer. Therefore, the vision of the supplier's (company) core competencies is created since the content or marketing data is based on the company's database and the content is delivered based on the constraints of the point of contact, the profiled past and the current actions.